United Nations A/62/595

General Assembly

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Sixty-second session
Agenda item 116
Follow-up to the outcome of the Millennium Summit

Report of the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse

I. Introduction

1. Pursuant to General Assembly resolution 61/291, the Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse met on 3 August and 12 September 2007 (see A/61/1044 and Add.1).

2. At its 107th plenary meeting, on 13 September, the General Assembly adopted decision 61/559, which read as follows:

> "The General Assembly, recalling its resolutions 59/300 of 22 June 2005, 60/236 of 6 June 2006 and 61/291 of 24 July 2007:
>
> "(a) Decides to defer the convening of the substantive session of the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse to the sixty-second session of the General Assembly;
>
> "(b) Requests the Working Group to meet from 3 to 7 December 2007 and to submit a report on its work to the General Assembly at its sixty-second session."

II. Organizational matters

A. Opening and duration of the session

3. Pursuant to General Assembly decision 61/559, the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse held nine meetings at United Nations Headquarters from 3 to 7 and on 19 December 2007.

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4. The Office for the Coordination of Humanitarian Affairs and the Department of Field Support acted as the substantive secretariat of the Working Group, while the Disarmament and Peace Affairs Branch of the Department for General Assembly and Conference Management served as technical secretariat of the Group. Representatives of the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP) also participated in the session.

5. The session was opened by the Chairperson of the Working Group, Mr. Jorge Urbina, Permanent Representative of Costa Rica to the United Nations.

B. Agenda

6. At its 1st meeting, on 3 December, the Working Group adopted the provisional agenda (A/AC.274/2007/CRP.1), which read as follows:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of work.
4. Report to the General Assembly at its sixty-second session.
5. Other matters.

C. Documentation

7. The Working Group had before it the following documents:

(a) Provisional agenda (A/AC.274/2007/CRP.1);

(b) Draft decision (A/AC.274/2007/CRP.2);

(c) Draft report (A/AC.274/2007/CRP.3).

D. Proceedings of the Working Group

8. At its 1st to 8th meetings, the Working Group discussed the draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel, on the basis of a text prepared by the Chairperson.

III. Report to the General Assembly at its sixty-second session

9. At its 8th meeting, on 7 December, the Working Group decided to adopt a draft decision proposed by the Chairperson (A/AC.274/2007/CRP.2; see para. 13 below).

10. At its 9th meeting, on 19 December, the Working Group decided to recommend for adoption by the General Assembly the draft resolution and the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel contained in the annex thereto (see para. 14 below).

11. At the same meeting, the Working Group was informed by the Secretariat that the adoption of the draft resolution and the draft strategy would not entail any programme budget implications.

12. Also at the 9th meeting, the Working Group adopted its draft report (A/AC.274/2007/L.4).

IV. Decision of the Working Group

13. At its 8th meeting, on 7 December, the Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse adopted the following decision:

> "The Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse,
>
> "Recalling General Assembly resolutions 59/300 of 22 June 2005, 60/236 of 6 June 2006 and 61/291 of 24 July 2007 and decision 61/559 of 13 September 2007,
>
> "Decides that its report to the sixty-second session should be considered by the General Assembly under agenda item 116, entitled Follow-up to the outcome of the Millennium Summit."

V. Recommendation of the Working Group

14. The Ad Hoc Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse recommends to the General Assembly the adoption of the following draft resolution:

United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations and international law, which are indispensable for a more peaceful, prosperous and just world, and for the promotion and protection of human rights and fundamental freedoms for all,

Deeply concerned by and strongly condemning all acts of sexual exploitation and abuse committed by United Nations staff and related personnel,

Reiterating its support to the Secretary-General's zero-tolerance policy on sexual exploitation and abuse, and recalling all relevant United Nations standards of conduct and regulations, including the Secretary-General's

Bulletin on the Special Measures for Protection from Sexual Exploitation and Sexual Abuse,[1]

Also reiterating its support for the implementation of a comprehensive approach throughout the United Nations system to assist victims of sexual exploitation and abuse by United Nations staff and related personnel which should be provided in an appropriate and reliable manner,

Recalling the letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly, which contains the report of the special adviser entitled "A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations",[2]

Also recalling that the 2005 World Summit Outcome[3] requested the Secretary-General to submit proposals to the General Assembly leading to a comprehensive approach to victims' assistance,

Further recalling its resolutions 59/281 of 29 March 2005, 59/300 of 22 June 2005, 60/263 of 6 June 2006 and 61/291 of 24 July 2007,

Taking note with appreciation of the letter dated 25 May 2006 from the Secretary-General to the President of the Security Council,[4] which contains a draft United Nations policy statement and a draft United Nations comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel,

Mindful of the importance of assisting victims of sexual exploitation and abuse committed by United Nations staff and related personnel,

1. *Adopts* the United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel ("the Strategy"), annexed to the present resolution;

2. *Calls on* relevant organizations of the United Nations system, and invites specialized agencies, to engage in an active and coordinated manner in the implementation of the strategy, with the support of civil society, as appropriate, working closely with Member States;

3. *Decides* to examine, in two years, progress made in the implementation of the Strategy under the agenda item entitled "Follow-up to the outcome of the Millennium Summit";

4. *Requests* the Secretary-General to implement the Strategy and to submit a detailed report in this regard, including lessons learned, best practices and recommendations, at its sixty-fourth session.

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[1] ST/SGB/2003/13.

[2] A/59/710.

[3] Resolution 60/1, para. 165.

[4] A/60/877.

Annex

United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel

Purpose

1. The purpose of the Strategy is to ensure that victims of sexual exploitation and abuse by United Nations staff and related personnel receive appropriate assistance and support in a timely manner. It is imperative that the Organization responds quickly and effectively when sexual exploitation and abuse occur.

2. The Strategy also enables the United Nations system to facilitate, coordinate and provide, as appropriate, the assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel.

3. The Strategy shall in no way diminish or replace the individual responsibility for acts of sexual exploitation and abuse, which rests with the perpetrators. The Strategy is not intended as means for compensation.

Scope of application

4. The Strategy should be implemented to assist and support complainants, victims and children born as a result of sexual exploitation and abuse by United Nations staff or related personnel in a manner appropriate to the relevant circumstances of each location with due respect to host country legislation.

Definitions

5. The following definitions are provided here to clarify the terms used in the Strategy:

(a) Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions;

(b) Sexual exploitation: The actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another;

(c) Complainants: Persons who allege, in accordance with established procedures, that they have been, or are alleged to have been, sexually exploited or abused by United Nations staff or related personnel, but whose claim has not yet been established through a United Nations administrative process or Member States' processes, as appropriate;

(d) Victims: Persons whose claims that they have been sexually exploited or abused by United Nations staff or related personnel have been established through a United Nations administrative process or Member States' processes, as appropriate;

(e) Children born as a result of sexual exploitation and abuse: Children who are found by a competent national authority to have been born as a result of acts of sexual exploitation and abuse by United Nations staff or related personnel;

(f) United Nations staff and related personnel: United Nations staff members, consultants, individual contractors, United Nations Volunteers, experts on mission and contingent members;

(g) Implementing partners: Entities or organizations that operate at country level, in accordance with established host country and United Nations procedures, to facilitate and provide the services outlined in the Strategy. Victim Support Facilitators are those selected implementing partners requested by the United Nations to facilitate the delivery of assistance and support to complainants, victims and children born as a result of sexual exploitation and abuse.

Assistance and support

6. Complainants should receive basic assistance and support in accordance with their individual needs directly arising from the alleged sexual exploitation and abuse. This assistance and support will comprise medical care, legal services, support to deal with the psychological and social effects of the experience and immediate material care, such as food, clothing, emergency and safe shelter, as necessary.

7. Further to basic assistance, victims should receive additional assistance and support in accordance with their individual needs directly arising from sexual exploitation and abuse. This assistance and support will comprise medical care, legal services, support to deal with the psychological and social effects of the experience and immediate material care, as necessary.

8. Children born as a result of sexual exploitation and abuse should receive, in accordance with their individual needs, assistance and support addressing the medical, legal, psychological and social consequences directly arising from sexual exploitation and abuse, in the best interests of the child. The United Nations should also work with Member States to facilitate, within their competence, the pursuit of claims related to paternity and child support.

Provision of assistance and support

9. All assistance and support should be provided in a manner that does not increase the trauma suffered by the complainants, victims and children born as a result of sexual exploitation and abuse, cause further stigmatization or exclude or discriminate against other victims of sexual exploitation and abuse.

10. Assistance and support should be provided through existing services, programmes and their networks. However, where necessary, the United Nations should consider supporting the development of new services, while not developing duplicative structures.

11. A United Nations focal point will be identified to coordinate and monitor the implementation of the Strategy to ensure that the process of referring complainants, victims and children born as a result of sexual exploitation and

abuse is simple, safe and respects the need for confidentiality, dignity and non-discrimination.

12. The United Nations should identify implementing partners to provide the services outlined in the present Strategy, and to act as Victim Support Facilitators, as necessary.

13. The duration of the provision of assistance and support should be set in accordance with individual needs directly arising from sexual exploitation and abuse.

14. The provision of any assistance and support by the United Nations in every case of complainants, victims and children born as a result of sexual exploitation and abuse is not an acknowledgement of the validity of the claims or an indication of acceptance of responsibility by the alleged perpetrator.

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Agenda item 3 (b)

Credentials of representatives to the sixty-second session of the General Assembly

Report of the Credentials Committee

Chairman: Mr. Vanu Gopala **Menon** (Singapore)

1. At its 1st plenary meeting, on 18 September 2007, the General Assembly, in accordance with rule 28 of its rules of procedure, appointed a Credentials Committee for its sixty-second session consisting of the following Member States: Angola, China, Chile, Namibia, the Russian Federation, Singapore, Switzerland, Suriname and the United States of America.

2. The Credentials Committee held its meeting on 18 December 2007.

3. Mr. Menon (Singapore) was unanimously elected Chairman.

4. The Committee had before it a memorandum by the Secretary-General dated 18 December 2007, concerning the credentials of representatives of Member States to the sixty-second regular session of the General Assembly.

5. As indicated in paragraph 1 of the memorandum of the Secretary-General, formal credentials in the form required by rule 27 of the rules of procedure of the General Assembly had been submitted by the following 130 States: Albania, Algeria, Andorra, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Finland, France, Gambia, Germany, Grenada, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Kuwait, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian

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Federation, Saint Kitts and Nevis, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Yemen, and Zimbabwe.

6. As indicated in paragraph 2 of the Secretary-General's memorandum, information concerning the appointment of their representatives to the sixty-second session of the General Assembly had been communicated to the Secretary-General, by means of a facsimile communication from the Head of State or Government or Minister for Foreign Affairs or by means of a letter or note verbale from the Permanent Mission concerned, by the following 58 Member States: Afghanistan, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bolivia, Colombia, Comoros, Cuba, Dominica, Equatorial Guinea, Estonia, Ethiopia, Fiji, Gabon, Georgia, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Iraq, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Malaysia, Montenegro, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Palau, Philippines, Qatar, Republic of Moldova, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Sierra Leone, Somalia, South Africa, Swaziland, Tajikistan, Tonga, Turkmenistan, Tuvalu, Uganda, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam and Zambia.

7. As indicated in paragraph 3 of the Secretary-General's memorandum, the following 4 Member States have not made any communication to the Secretary-General: Cape Verde, Congo, Côte d'Ivoire and Timor-Leste.

8. The Chairman proposed the following draft resolution for adoption by the Committee:

"*The Credentials Committee*,

"*Having examined* the credentials of the representatives to the sixty-second session of the General Assembly of the Member States referred to in paragraphs 5 and 6 of the report of the Credentials Committee,

"*Accepts* the credentials of the representatives of the Member States concerned."

9. The draft resolution proposed by the Chairman was adopted without a vote.

10. The Chairman then proposed that the Committee should recommend to the General Assembly the adoption of a draft resolution entitled "Credentials of representatives to the sixty-second session of the General Assembly" (see para. 12). The proposal was adopted without a vote.

11. In the light of the foregoing, the present report is submitted to the General Assembly.

Recommendation of the Credentials Committee

12. The Credentials Committee recommends to the General Assembly the adoption of the following draft resolution:

> Credentials of representatives to the sixty-second session of the General Assembly
>
> *The General Assembly*,
>
> *Having considered* the report of the Credentials Committee and the recommendation contained therein,
>
> *Approves* the report of the Credentials Committee.

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Agenda item 137

Administration of justice at the United Nations

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Administration of justice at the United Nations" and to allocate it to the Fifth Committee for its consideration and to the Sixth Committee in the light of General Assembly resolution 61/261.

2. The Fifth Committee considered the item at its 15th and 26th meetings, on 5 November and 21 December 2007. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/62/SR.15 and 26).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the report of the Redesign Panel on the United Nations system of administration of justice (A/61/891);

(b) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/61/936);

(c) Report of the Secretary-General on the outcome of the work of the Joint Appeals Board during 2005 and 2006 and statistics on the disposition of cases and work of the Panel of Counsel (A/62/179);

(d) Report of the Secretary-General (A/62/294);

(e) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.7);

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(f) Report of the Secretary-General on the activities of the Ombudsman (A/62/311);

(g) Letter dated 20 November 2007 from the President of the General Assembly to the Chairman of the Fifth Committee (A/C.5/62/11).

II. Consideration of draft resolution A/C.5/62/L.13

4. At the 26th meeting, on 21 December, the Committee had before it a draft resolution entitled "Administration of justice at the United Nations" (A/C.5/62/L.13), submitted by the Vice-Chairman of the Committee, the representative of the Netherlands, on the basis of informal consultations.

5. At the same meeting, the representative of the Netherlands and coordinator of the informal consultations on the draft resolution orally revised it by inserting after paragraph 52 a new paragraph reading:

> "53. *Takes note* of paragraph 35 of the report of the Advisory Committee on Administrative and Budgetary Questions",

and the subsequent paragraphs were renumbered accordingly.

6. Also at the same meeting, the Committee adopted draft resolution A/C.5/62/L.13, as orally revised, without a vote (see para. 7).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Administration of justice at the United Nations

The General Assembly,

Recalling its resolutions 57/307 of 15 April 2003, 59/266 of 23 December 2004, 59/283 of 13 April 2005 and 61/261 of 4 April 2007,

Emphasizing the importance for the United Nations to have an efficient and effective system of administration of justice so as to ensure that individuals and the Organization are held accountable for their actions in accordance with relevant resolutions and regulations,

Reaffirming its decision in paragraph 4 of resolution 61/261 to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike,

Having considered the reports of the Secretary-General on revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261,[1] on the administration of justice,[2] on the outcome of the work of the Joint Appeals Board during 2005 and 2006 and statistics on the disposition of cases and work of the Panel of Counsel[3] and on the activities of the Ombudsman,[4] the related reports of the Advisory Committee on Administrative and Budgetary Questions[5,6] and the letter dated 20 November 2007 from the President of the General Assembly to the Chairman of the Fifth Committee,[7]

1. *Takes note* of the reports of the Secretary-General on revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261,[1] on the administration of justice,[2] on the outcome of the work of the Joint Appeals Board during 2005 and 2006 and statistics on the disposition of cases and work of the Panel of Counsel[3] and on the activities of the Ombudsman[4] and the related reports of the Advisory Committee on Administrative and Budgetary Questions;[5,6]

2. *Recalls* its decision 62/519 of 6 December 2007;

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[1] A/61/891.
[2] A/62/294.
[3] A/62/179.
[4] A/62/311.
[5] A/61/936.
[6] A/62/7/Add.7.
[7] A/C.5/62/11.

3. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[6] subject to the provisions of the present resolution;

I. New system of administration of justice

4. *Stresses* the importance of allocating adequate resources to establish the new system of administration of justice;

5. *Acknowledges* the evolving nature of the new system of administration of justice and the need to carefully monitor its implementation;

6. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;

A. Scope

7. *Decides* that individuals who have access to the current system of administration of justice will have access to the new system;

8. *Also decides* to revert to the issue of the scope of the system of administration of justice at the second part of its resumed sixty-second session and to request information in this regard from the Secretary-General;

9. *Requests* the Secretary-General to ensure that the daily paid workers in peacekeeping missions are made aware of their rights and obligations and have access to suitable recourse procedures within the framework of the United Nations;

B. Office of Administration of Justice

10. *Decides* to establish the Office of Administration of Justice, comprising the Office of the Executive Director and the Office of Staff Legal Assistance, as well as the Registries for the United Nations Dispute Tribunal and the United Nations Appeals Tribunal;

11. *Also decides* that the Office of the Executive Director is to consist of one Executive Director (D-2), one Special Assistant (P-4) and one Administrative Assistant (General Service (Other level)), and requests the Secretary-General to ensure that these positions are filled as a matter of priority but no later than 1 July 2008;

C. Office of Staff Legal Assistance

12. *Stresses* that professional legal assistance is critical for the effective and appropriate utilization of the available mechanisms within the system of administration of justice;

13. *Recalls* paragraph 23 of its resolution 61/261, reiterates its support for the strengthening of professional legal assistance for staff in order for staff to continue to receive legal assistance, and decides to establish the Office of Staff Legal Assistance to succeed the Panel of Counsel;

14. *Decides* that the Office of Staff Legal Assistance is to consist of one Chief of Unit (P-5), one Legal Officer (P-3), one Legal Officer (P-2) and three Legal Assistants (General Service (Other level)) in New York, and one Legal Officer (P-3) each in Addis Ababa, Beirut, Geneva and Nairobi;

15. *Also decides* that legal assistance should continue to be accessible to staff at all duty stations;

16. *Requests* the Secretary-General to establish a code of conduct regulating the activity of internal and external individuals providing legal assistance to staff to ensure their independence and impartiality;

17. *Reiterates* paragraph 24 of its resolution 61/261, and requests the Secretary-General to report on the progress made to establish a staff-funded scheme in the Organization that would provide legal advice and support to staff;

18. *Requests* the Secretary-General to develop incentives for staff and management, including through training opportunities, to enable and encourage staff to continue to participate in the work of the Office of Staff Legal Assistance;

19. *Decides* to revert to the issue of the mandate of the Office of Staff Legal Assistance at its sixty-third session;

20. *Requests* the Secretary-General to report on possible measures to encourage responsible use of the system of administration of justice;

21. *Recognizes* that the Office of Staff Legal Assistance and the Ombudsman have two distinct functions;

II. Informal system

22. *Recognizes* that the informal resolution of conflict is a crucial element of the system of administration of justice, and emphasizes that all possible use should be made of the informal system in order to avoid unnecessary litigation;

23. *Also recognizes* that the strengthening of the informal system may reduce recourse to the formal system, thereby avoiding unnecessary litigation;

24. *Stresses* the pivotal role of mediation in reconciling differences;

A. Office of the Ombudsman

25. *Reiterates* its decision to create a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes, decides to establish the Office as from 1 January 2008, and urges the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson (United Nations Development Programme/United Nations Population Fund/United Nations Children's Fund/United Nations Office for Project Services) and the Office of the Mediator of the Office of United Nations High Commissioner for Refugees to strengthen the ongoing efforts for coordination and harmonization of standards, operating guidelines, reporting categories and databases;

26. *Decides* to establish branch offices for the Office of the Ombudsman in Bangkok, Geneva, Nairobi, Santiago and Vienna, each with one Regional Ombudsman (P-5) and one Administrative Assistant (General Service (Other level/Local level));

27. *Takes note* of paragraph 22 of the report of the Advisory Committee on Administrative and Budgetary Questions;[6]

28. *Requests* the Secretary-General to ensure that staff at all duty stations have access to the Ombudsman;

29. *Endorses* the process of nomination and appointment of the Ombudsman by the Secretary-General, as set out in paragraphs 47 to 49 of his report[2] and recommended by the Redesign Panel in its report;[8]

B. Mediation Division

30. *Endorses* paragraph 21 of the report of the Advisory Committee on Administrative and Budgetary Questions, and decides to establish the Mediation Division as from 1 January 2008;

C. Systemic issues

31. *Notes* section IV, on systemic issues, of the report of the Secretary-General on the activities of the Ombudsman,[4] and emphasizes that the role of the Ombudsman is to report on broad systemic issues that he or she identifies, as well as those that are brought to his or her attention, in order to promote greater harmony in the workplace;

32. *Requests* the Secretary-General to report at its sixty-third session, in the context of human resources management, on specific measures taken to address systemic issues;

III. Formal system

33. *Reaffirms* paragraphs 19 to 24 of its resolution 61/261;

34. *Emphasizes* the importance of ensuring access for all staff to the United Nations Dispute Tribunal, and requests the Secretary-General to make provisions for the travel and related costs of staff whose physical presence before the Tribunals is deemed necessary by the Tribunals and for judges to travel as necessary to hold sessions at duty stations other than New York, Geneva and Nairobi, in particular in Bangkok, Santiago and Vienna;

A. Internal Justice Council

35. *Stresses* that the establishment of an internal justice council can help to ensure independence, professionalism and accountability in the system of administration of justice;

36. *Decides* to establish by 1 March 2008 a five-member Internal Justice Council consisting of a staff representative, a management representative and two distinguished external jurists, one nominated by the staff and one by management, and chaired by a distinguished jurist chosen by consensus by the four other members;

37. *Also decides* that the Internal Justice Council will perform the following tasks:

(a) Liaising with the Office of Human Resources Management on issues related to the search for suitable candidates for the positions of judges, including by conducting interviews as necessary;

(b) Providing its views and recommendations to the General Assembly on two or three candidates for each vacancy in the United Nations Dispute

[8] A/61/205.

Tribunal and the United Nations Appeals Tribunal, with due regard to geographical distribution;

(c) Drafting a code of conduct for the judges, for consideration by the General Assembly;

(d) Providing its views on the implementation of the system of administration of justice to the General Assembly;

38. *Further decides* that the Internal Justice Council will be assisted, as appropriate, by the Office of Administration of Justice;

B. United Nations Dispute Tribunal and United Nations Appeals Tribunal

39. *Decides* to establish a two-tier formal system of administration of justice, comprising a first instance United Nations Dispute Tribunal and an appellate instance United Nations Appeals Tribunal as from 1 January 2009;

40. *Also decides* that judges of the United Nations Dispute Tribunal and United Nations Appeals Tribunal shall be appointed by the General Assembly on the recommendation of the Internal Justice Council;

41. *Further decides* to endorse the qualifications of the judges as set out in paragraphs 58 and 67 of the report of the Secretary-General[2] and as further described in its decision 62/519;

42. *Decides* that the United Nations Dispute Tribunal shall, initially, comprise three full-time judges, to be situated in New York, Geneva and Nairobi, and two half-time judges;

43. *Also decides* that further consideration should be given to cases before the United Nations Dispute Tribunal being decided by a panel of judges, depending on the nature of the cases, the workload of judges and the grounds for appeal, and requests the Secretary-General to present further proposals in this regard, including resource implications, to the General Assembly at the second part of its resumed sixty-second session;

44. *Further decides* that the United Nations Appeals Tribunal shall comprise seven members who will sit in panels of at least three;

45. *Decides* that judges shall serve only one non-renewable term of seven years on either the United Nations Dispute Tribunal or the United Nations Appeals Tribunal, with the exception of two of the initial judges of the United Nations Dispute Tribunal and three of the initial judges of the United Nations Appeals Tribunal, to be determined by drawing of lots, who shall serve three years and may consequently apply to the same Tribunal for a non-renewable term of seven years;

C. Registries

46. *Decides* to establish a Registry for the United Nations Dispute Tribunal in New York, Geneva and Nairobi and a Registry for the United Nations Appeals Tribunal in New York;

47. *Also decides* that the Registries will consist of one D-1 Registrar who will oversee the Registries and, for the United Nations Dispute Tribunal in New York, one P-5 Registrar, one P-2 Legal Officer and two General Service (Other level)

Administrative Assistants; for the United Nations Dispute Tribunal in Geneva, one P-5 Registrar, one P-3 Legal Research Officer and two General Service (Other level) Administrative Assistants; for the United Nations Dispute Tribunal in Nairobi, one P-5 Registrar, one P-3 Legal Research Officer and two General Service (Local level) Administrative Assistants; and for the United Nations Appeals Tribunal in New York, one P-5 Registrar, one P-3 Legal Officer and two General Service (Other level) Administrative Assistants; and further decides to approve, as general temporary assistance in New York, the equivalent of one P-4 Information Technology Officer, one General Service (Other level) Information Technology Assistant and Legal Research Officer positions equivalent to P-4 in both Geneva and Nairobi;

48. *Requests* the Secretary-General to provide terms of reference for the Registries, taking into account the current working methods of the United Nations Administrative Tribunal at its sixty-third session;

D. Disciplinary proceedings

49. *Decides* to endorse, in principle, the delegation of authority for disciplinary measures to heads of offices away from Headquarters and heads of missions/Special Representatives of the Secretary-General, and requests the Secretary-General to present a report containing a detailed proposal regarding possible options for delegation of authority for disciplinary measures, including full delegation, as well as an assessment of possible implications for due process rights of staff members;

E. Management evaluation

50. *Emphasizes* the need to have in place a process for management evaluation that is efficient, effective and impartial;

51. *Reaffirms* the importance of the general principle of exhausting administrative remedies before formal proceedings are instituted;

52. *Decides* to establish an independent Management Evaluation Unit in the Office of the Under-Secretary-General for Management, with one Chief of Unit (P-5), two Legal Officers (P-4) and three Administrative Assistants (General Service (Other level)) and general temporary assistance equivalent to one P-4 Legal Officer position;

53. *Takes note* of paragraph 35 of the report of the Advisory Committee on Administrative and Budgetary Questions;[6]

54. *Emphasizes* the importance of prompt decisions and responses to formal requests for management evaluation, and decides that such evaluation should be completed in a timely manner, as soon as possible and within a limit of thirty calendar days for New York Headquarters and forty-five calendar days for offices away from Headquarters after the submission of such a request;

55. *Stresses* the importance of establishing adequate accountability measures for managers to ensure their timely response to management evaluation requests;

56. *Emphasizes* the importance for the United Nations to have an efficient and effective system of administration of justice so as to ensure that individuals and the Organization are held accountable for their actions in accordance with relevant resolutions and regulations;

IV. Transitional measures

57. *Recalls* paragraph 31 of its resolution 61/261, and urges the Secretary-General to intensify the efforts needed to clear the existing backlog of cases before the Panel on Discrimination and Other Grievances, Joint Appeals Boards, Joint Disciplinary Committees, Disciplinary Boards, the Administrative Law Unit, the Executive Office of the Secretary-General and the United Nations Administrative Tribunal;

58. *Endorses* paragraphs 73, 74, 76 and 80 of the report of the Advisory Committee on Administrative and Budgetary Questions;[6]

59. *Decides* to revert to the issue of transitional arrangements at the second part of its resumed sixty-second session;

60. *Requests* the Secretary-General to consult with the organizations which currently participate in the United Nations Administrative Tribunal with the aim of providing for an orderly transition to another system of their choosing, if they were not to join the new system of administration of justice;

V. Financial implications and cost-sharing arrangements

61. *Underlines* that the funding for administration of justice, based on cost-sharing arrangements, should be clear, predictable and secure;

62. *Decides* to approve the cost-sharing arrangement as outlined by the Secretary-General in paragraphs 161 and 162 of his report;[2]

63. *Urges* the Secretary-General to conclude cost-sharing arrangements with the relevant funds and programmes by July 2008;

64. *Requests* the Secretary-General to review the arrangements for the provision of services of the United Nations Administrative Tribunal to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the International Seabed Authority, the International Tribunal for the Law of the Sea, the International Court of Justice, the International Maritime Organization, the International Civil Aviation Organization and the United Nations Joint Staff Pension Fund;

VI. Further information

65. *Requests* the Secretary-General to report at the second part of its resumed sixty-second session on the following:

(a) Draft statute for the United Nations Dispute Tribunal;

(b) Draft statute for the United Nations Administrative Tribunal that reflects the decisions contained in the present resolution and its resolution 61/261;

(c) Jurisdiction of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal;

(d) Grounds of appeal before the United Nations Appeals Tribunal;

(e) Conditions under which the United Nations Dispute Tribunal may refer cases pending before it to mediation, including the requirement of the consent of the parties and the issue of time frames;

(f) A detailed proposal regarding the allocation of cases to the United Nations Dispute Tribunal, taking into account geographical accessibility, the type of cases and the number of cases;

(g) Compensation awarded by the tribunals and alternatives;

(h) The role of staff associations vis-à-vis the formal system of justice;

66. *Also requests* the Secretary-General to provide further information and recommendations, as appropriate, at the second part of its resumed sixty-second session, on the following:

(a) The different categories of non-staff personnel performing personal services for the Organization, including experts on mission, United Nations officials other than staff members of the Secretariat and daily workers;

(b) The types of dispute settlement mechanisms available to the different categories of non-staff personnel and their effectiveness;

(c) The types of grievances the different categories of non-staff personnel have raised in the past and what bodies of law are relevant to such claims;

(d) Any other mechanism that could be envisaged to provide effective and efficient dispute settlement to the different categories of non-staff personnel, taking into account the nature of their contractual relationship with the Organization;

67. *Further requests* the Secretary-General to report at the main part of its sixty-third session on the following:

(a) The revised terms of reference for the Ombudsman, taking into account the changes in functions, presence and proposed locations;

(b) The results of the negotiations between the United Nations and other participating entities on cost-sharing arrangements for the system of administration of justice;

(c) Mechanisms for the formal removal of judges, definition of the "grounds of misconduct or incapacity" and the means for the establishment of such grounds in a specific case;

(d) Viable options for programme support cost/trust funds to share the cost of the new internal justice system;

VII. Other issues

68. *Invites* the Sixth Committee to consider the legal aspects of the reports to be submitted to by the Secretary-General without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters;

69. *Requests* the Secretary-General to ensure that information concerning the details of the new system of administration of justice, in particular options for recourse, are made readily accessible to all staff covered under the new system;

70. *Also requests* the Secretary-General to develop a comprehensive approach to address privacy rights of staff, including the right to confidentiality and the Organization's responsibility for ensuring the due process rights of its staff under investigation;

71. *Further requests* the Secretary-General to report at its sixty-third session on how information and communications technology can improve the functioning of the system of administration of justice.

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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 22nd and 26th meetings, on 13 and 21 December 2007. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/62/SR.22 and 26).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the

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Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009 (A/62/468);

(b) Second performance report of the Secretary-General on the budget of the International Criminal Tribunal for Rwanda for the biennium 2006-2007 (A/62/557);

(c) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/578);

(d) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia: effect of changes in rates of exchange and inflation (A/62/586);

(e) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.30).

II. Consideration of draft resolution A/C.5/62/L.11

4. At its 26th meeting, on 21 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/62/L.11), submitted by the Vice-Chairman of the Committee, Tomáš Mičánek (Czech Republic), on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.11 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

I. Second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2006-2007

Having considered the second performance report of the Secretary-General on the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 60/241 of 23 December 2005 and 61/241 of 22 December 2006,

1. *Takes note* of the second performance report of the Secretary-General on the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2006-2007[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in section IV.A of the report of the Advisory Committee on Administrative and Budgetary Questions;

3. *Expresses its appreciation* to Member States that contributed to the Voluntary Fund to support the activities of the Tribunal, and invites Member States to continue making voluntary contributions to the International Criminal Tribunal for Rwanda both in cash and in the form of services and supplies acceptable to the Secretary-General;

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[1] A/62/557.

[2] A/62/578.

4. *Notes with concern* the high vacancy rate at the Tribunal, especially in the Office of the Prosecutor and the Registry, and urges the Secretary-General to take appropriate measures to address this problem;

5. *Resolves* that, for the biennium 2006-2007, the amount of 277,127,700 United States dollars gross (254,757,400 dollars net) approved in its resolution 61/241 for the budget of the International Criminal Tribunal for Rwanda shall be adjusted by the amount of 2,384,700 dollars gross (2,357,200 dollars net), for a total amount of 279,512,400 dollars gross (257,114,600 dollars net);

II. Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009

Having considered the reports of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[3] and on the revised estimates arising from the effect of changes in rates of exchange and inflation,[4]

Having also considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the reports submitted by the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2008-2009,[3] and on the revised estimates arising from the effect of changes in rates of exchange and inflation;[4]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provision of the present resolution;

3. *Recalls* paragraph 4 of its resolution 61/241, and reaffirms the importance of the timely submission of reports on the Tribunal and related reports of the Advisory Committee on Administrative and Budgetary Questions in order to facilitate their proper consideration early in the session;

4. *Takes note* of section II.E of the report of the Secretary-General;[3]

5. *Requests* the Secretary-General to include information on specific parameters of the management of the funds to be appropriated to meet future

[3] A/62/468.

[4] A/62/586.

requirements for pension benefits of the Tribunal's judges and eligible beneficiaries in the context of the first performance report for the biennium 2008-2009;

6. *Decides* to revert to the issue of funding the pension-related liabilities of the Tribunal at its sixty-fourth session, taking into account the report of the Secretary-General requested in paragraph 11 of its resolution 61/262 of 4 April 2007;

7. *Also decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 267,356,200 United States dollars gross (247,466,600 dollars net) for the biennium 2008-2009, as detailed in the annex to the present resolution;

8. *Further decides* that the total assessment for 2008 under the Special Account amounting to 136,062,800 dollars, shall consist of:

(a) 133,678,100 dollars, being half of the estimated appropriation approved for the biennium 2008-2009;

(b) 2,384,700 dollars, being the increase in the final appropriation for the biennium 2006-2007 approved by the General Assembly in paragraph 5 of section I of the present resolution;

9. *Decides* to apportion the amount of 68,031,400 dollars gross (63,045,250 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2008;

10. *Also decides* to apportion the amount of 68,031,400 dollars gross (63,045,250 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2008;

11. *Further decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 9 and 10 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 9,972,300 dollars approved for the International Criminal Tribunal for Rwanda for 2008.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	United States dollars	
Estimated appropriation for the biennium 2008-2009	302 599 700	283 215 900
Revised estimates: effect of changes in rates of exchange and inflation	6 287 100	5 781 300
Recommendations of the Advisory Committee on Administrative and Budgetary Questions	(28 500 000)	(28 500 000)
Recommendations of the Fifth Committee	(13 030 600)	(13 030 600)
Estimated initial appropriation for the biennium 2008-2009	267 356 200	247 466 600
Total assessment for 2008, comprising:	**136 062 800**	**126 090 500**
(a) Requirements representing half of the estimated appropriation for the biennium 2008-2009	133 678 100	123 733 300
(b) Requirements arising from the final appropriation for the biennium 2006-2007	2 384 700	2 357 200
Of which:		
Contributions assessed on Member States in accordance with the scale of assessment applicable to the regular budget of the United Nations for 2008	68 031 400	63 045 250
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2008	68 031 400	63 045 250